

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

STATE OF NEW MEXICO, EX REL.
RAÚL TORREZ, ATTORNEY GENERAL,

Plaintiff,

- v. -

META PLATFORMS, INC.; INSTAGRAM, LLC;
META PAYMENTS, INC.; META PLATFORMS
TECHNOLOGIES, LLC; and MARK
ZUCKERBERG,

Defendants.

**PLAINTIFF STATE OF NEW
MEXICO'S MOTION FOR
LEAVE TO FILE LESS-
REDACTED AMENDED
COMPLAINT**

Civil Action No. 1:23-cv-01115-
MIS-KK

*Removed from First Judicial District
Court, County of Santa Fe, New
Mexico, Case No. D-101-CV-2023-
02838*

**PLAINTIFF STATE OF NEW MEXICO'S MOTION FOR LEAVE
TO FILE LESS-REDACTED AMENDED COMPLAINT**

Plaintiff, the State of New Mexico, respectfully moves this Court for leave to file a less-redacted version of the Amended Complaint, representing the product of negotiations with Defendants (which remain ongoing). A copy of the less-redacted version of the Amended Complaint is attached hereto as Exhibit 1.¹

On January 15, 2024, counsel for the State requested that Defendants consent to the relief sought in this motion and advised that the State would be filing the motion today. Counsel sent a

¹ The less-redacted version of the Amended Complaint attached hereto does not contain additional allegations or otherwise supplant the Amended Complaint previously filed. Nor does the State, by filing this motion, consent to federal jurisdiction over its claims or otherwise waive the objections to jurisdictions raised in the State's Motion to Remand (Dkt. 30).

follow-up email earlier this morning. Despite having agreed to the removal of redactions as reflected in Exhibit 1, Defendants' counsel never responded to the State's request.

In support of this Motion, the State avers as follows:

1. On December 5, 2023, the State filed a Complaint in this action asserting claims under the Unfair Practices Act, NMSA 1978, §§ 57-12-1 to -26 (1967, as amended through 2009) (the "UPA") and for public nuisance. The Complaint alleges, *inter alia*, that child sex abuse materials and child sexual exploitation and solicitation are prevalent on Defendants' social media platforms, including Facebook and Instagram, and that the design of Defendants' social media platforms was intended to and does cause harm to the safety and well-being of teen and adolescent users. The State asserts (i) that Defendants made misleading and deceptive statements or omissions concerning their platforms, including statements relating to child sex abuse materials and child sexual exploitation and solicitation of their platforms, their enforcement actions and priorities, and the effects of the platforms on users' well-being; (ii) that Defendants engaged in unfair and unconscionable trade practices in operating their platforms with knowledge of the harms that they failed to disclose to the public; and (iii) that Defendants' operation of their platforms in New Mexico has caused a public nuisance.

2. The public version of the State's Complaint contained redactions obscuring material sourced from documents or other sources that Defendants had designated as "Confidential" pursuant to a Confidentiality Agreement between Defendant Meta Platforms, Inc. and the State. *See* Dkt. 1-2 at pp. 479-80. The New Mexico state court permitted filing of the unredacted Complaint under seal. *Id.* at 479-83.

3. On January 9, 2024, the State filed an Amended Complaint, which contained redactions consistent with those contained in the original Complaint (and limited redactions pertaining to new allegations sourced from material subject to confidentiality obligations). Dkt. 26.

4. Given the strong public preference for public access to judicial filings in both the federal and state judicial systems², the State has sought to negotiate with Defendants concerning the proper scope of redacted material contained in the complaint. Although negotiations remain ongoing, Defendants have agreed to the public filing of a significant portion of material contained in the State's Amended Complaint.

5. Attached hereto as Exhibit 1 is a less-redacted copy of the State's Amended Complaint reflecting the material Defendants have agreed the State may un-redact. The State seeks to file this less-redacted version of the Amended Complaint consistent with the presumption of public access to court records. By submitting this less-redacted version, the State does not waive its rights to challenge the propriety of remaining redactions, if necessary, following conclusion of the parties' negotiations.

WHEREFORE, the State respectfully requests that this Court grant it leave to file the less-redacted version of the Amended Complaint attached hereto as Exhibit 1

² See, e.g., *Mann v. Boatright*, 477 F.3d 1140, 1149 (10th Cir. 2007) ("Courts have long recognized a common-law right of access to judicial records."); N.M. Rule of Civ. Proc. 1-079(A) (entitled "Presumption of Public Access").

RESPECTFULLY SUBMITTED this 17th day of January, 2024.

RAÚL TORREZ
ATTORNEY GENERAL OF NEW MEXICO

By counsel,

/s/ Linda Singer

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CERTIFICATE OF SERVICE

I certify that on January 17, 2024, I filed the foregoing electronically with the Clerk of Court using the CM/ECF system, which caused the following parties or counsel to be served by electronic means, as more fully reflected on the Notice of Electronic Filing:

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